

**Notice of Allowability**

Application No.

10/511,901

Examiner

David S. Baker

Applicant(s)

BAYHA ET AL.

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 December 2007.
2. ☒ The allowed claim(s) is/are 17-19, 21-33, 35-39 and 42-48.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 27 December 2007 has been accepted and entered.

***Allowable Subject Matter***

1. Claims 17-19, 21-33, 35-39, and 42-48 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 17, the prior art of record does not disclose or reasonably suggest, along with the other claimed limitations, a sensor for detecting a fog-like medium comprising: namely, wherein the first and second transmission axes do not intersect.

Regarding claim 28, the prior art of record does not disclose or reasonably suggest, along with the other claimed limitations, a method for detecting a fog-like medium comprising: namely, wherein the first and second transmission axes do not intersect.

Regarding claim 33, the prior art of record does not disclose or reasonably suggest, along with the other claimed limitations, a sensor for detecting a medium comprising: namely, optical components of the sensor that optically couple the sensor to the windshield of a vehicle.

Regarding claim 44, the prior art of record does not disclose or reasonably suggest, along with the other claimed limitations, a method for detecting a fog-like medium comprising: namely, optical components of the sensor that optically couple the sensor to the windshield of a vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

3. Applicant's arguments, see the pages 9-10 of the amendment, filed 27 December 2007, with respect to claims 17-19, 21-33, 35-39, and 42-48 have been fully considered and are persuasive. The rejection of claims 17-19, 21-33, 35-39, and 42-48 has been withdrawn.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,422,062 B1 – King teaches away from optically coupling components to the windshield of an automobile to prevent condensation on the electronics.

US 6,144,022 A – Tenenbaum discloses a rain sensor that detects condensed moisture on the windshield of a vehicle.

US 5,254,853 A – Reich discloses an optical sensing device that has overlapping first and second emission beam axes.

US 3,758,211 A – Bateman disclose an optical sensing device that has overlapping first and second reflection beam axes.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Baker whose telephone number is (571) 272-6003. The examiner can normally be reached on MTWRF 9:30am-6:00pm.

Art Unit: 2884

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSB



DAVID PORTA  
PATENT EXAMINER  
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